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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/797,663
		Filing Date	03/09/2004
		First Named Inventor	Michael E. Daniels
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	16	Attorney Docket Number	4001-0018B (ZM0602)

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Please see the Remarks below and the Response to Missing Parts/ Incomplete Application.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	<b>Remarks</b> Please charge the \$954 fee(s) that is(are) due, and charge any shortages in fees or credit any over payments throughout the pendency of this application to deposit account No. 50-2779 (Zimmer Technology, Inc.). Herewith please find the following: A. This Transmittal Form including a deposit account authorization (1 page), in duplicate; B. Response to Missing Parts/ Incomplete Application (2 pages); C. Copy of Notice to File Missing Parts of Provisional Application (2 pages); D. Red-marked/ corrected Filing Receipt (2 pages); E. Declaration executed by Michael E. Daniels (2 pages); F. Power of Attorney executed by Michael E. Daniels (1 page); G. Replacement Drawings (5 sheets showing 5 figures); and H. A self-addressed, stamped return postcard listing items A-G.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gerald W. Roberts Registration No. 45,046 Indiana Vaughan Roberts & Filomena, LLP, One N. Pennsylvania St., Suite 850, Indianapolis, IN 46204 (317)822-0033
Signature	
Date	July 27, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Gerald W. Roberts, Registration No. 45,046	
Signature		Date July 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOTE: This Transmittal Form includes a deposit account authorization. Please see the Remarks section.



# INDIANO VAUGHAN ROBERTS & FIOMENA, LLP

Gerald W. Roberts  
One North Pennsylvania Street, Suite 850  
Indianapolis, Indiana 46204  
(317) 822-0033

## PATENT APPLICATION

### *IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

*Application Serial No.: 10/797,663*

*Applicant(s): Michael E. Daniels*

*Application Filed: March 9, 2004*

*Title: TIBIAL IMPLANT WITH A  
THROUGH POST*

*Group: Unknown*

*Examiner: Unknown*

*Atty. Docket: 4001-0018B (ZM0602)*

*Cust. No.: 000043232*

#### Certificate Under 37 CFR § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

on July 27, 2004

  
Gerald W. Roberts, Reg. No. 45,046

Dated: 07/27/2004

## RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed on May 27, 2004 (05/27/2004) ("Notice"), Applicant(s) respectfully submit(s) this Response to Missing Parts/ Incomplete Application ("Response") for the above-identified application and respectfully submit(s) the following contemporaneously herewith as part of this Response:

Response to Missing Parts/ Incomplete Application  
*Atty. Docket: 4001-0018B (ZM0602)*  
*Application Serial No.: 10/797,663*

- A. A Transmittal Form including a deposit acct. authorization (1 page), in duplicate;
- B. This Response to Missing Parts/ Incomplete Application (2 pages);
- C. A Copy of Notice to File Missing Parts of Provisional Application (2 pages);
- D. A Red-marked/ corrected Filing Receipt (2 pages);
- E. A Declaration executed by Michael E. Daniels (2 pages);
- F. A Power of Attorney executed by Michael E. Daniels (1 page);
- G. Replacement Drawings (5 sheets showing 5 figures); and
- H. A self-addressed, stamped return postcard listing items A-G.

***Remarks***

Applicant(s) respectfully request that, if necessary to effect a timely response, this paper also be considered to be a Petition for an Extension of Time sufficient to effect a timely response, and any shortages in fees be charged, or any over payments in fees be credited to **Deposit Account No. 50-2779** (Zimmer Technology, Inc.).

Additionally, Applicant(s) respectfully request acknowledgment of receipt of this (these) paper(s) (including the accompanying submissions) by marking and mailing the return postcard.

Respectfully submitted,



---

Gerald W. Roberts  
Attorney for Applicant(s)  
Registration No. 45,046

July 27, 2004

One North Pennsylvania Street, Suite 850  
Indianapolis, Indiana 46204  
Phone: (317) 822-0033

4001-0018B (ZM0602) RESP MISSING PARTS



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/797,663	03/09/2004	Michael E. Daniels	4001-0018B (ZM0602)

INDIANO VAUGHAN ROBERTS & FIOMENA, LLP  
Suite 850  
One North Pennsylvania Street  
Indianapolis, IN 46204



CONFIRMATION NO. 3929  
FORMALITIES LETTER



\*OC000000012787502\*

Date Mailed: 05/27/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### **Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1); See Figure(s) 3-5.

The applicant needs to satisfy supplemental fees problems indicated below.

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The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$54** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$954** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$54**
  - **\$54** for 3 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Mulheeneset husey*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE